THE BOMBAY REVENUE TRIBUNAL ACT, 1939
(BOM. XII OF 1939).

G. N., R. D., No. 2029/39, dated 9th May 1940 (B. G., Pt. IV-B, p. 565). S. 4 (3)

Under the provisions of rule 4-A of the rules regulating the grant by Provincial Governments of licences to prospect for minerals and the grant of mining leases in British India, published in the Resolution of the Government of India, in the Commerce and Industry Department (Geology and Minerals), No. 7552-7581-121, dated the 15th September 1913, as subsequently amended, and sub-section (*3*) of section 4 of the Bombay Revenue Tribunal Act, 1939 (Bom. XII of 1939), the Government of Bombay is pleased to cancel Government Notification in the Revenue Department, No. 1191, dated the 5th February 1918, as amended by Government Notification in the Revenue Department, No. 2029/39, dated 18th March 1940, and to direct that the Bombay Revenue Tribunal constituted under section 3 of the said Act shall have jurisdiction to entertain and decide appeals from and applications for revision of orders passed by a Collector or a Divisional Forest Officer under the said rules.

G. N., R. D., No. 4877/33, dated 31st July 1939 (B. G., Pt. IV-A, p. 1190). S. 12 Bombay Revenue Tribunal Rules, 1939.

Amended by G. N., R. D., No. 4877/33, dated 5th December 1940.

Amended by G. N., R. D., No. 4877/33, dated 22nd September 1941.

In exercise of the powers conferred by section 12 of the Bombay Revenue Tribunal Act, 1939 (Bom. XII of 1939), the Government of Bombay is pleased to make the following rules, namely :—

1. These rules may be called the Bombay Revenue Tribunal Rules, 1939.

2. In these rules, unless there is anything repugnant in the subject or context,—

(*a*) " Act " means the Bombay Revenue Tribunal Act, 1939 ;

(*b*) " member " means a member of the Tribunal and includes the President thereof ;

(*c*) " non-official " means a person who at the date of his appointment does not hold any office of profit under the Government of India or the Government of any State.

3. The Tribunal shall consist of a President and two other members.

4. (1) The President shall be a person who has officiated as a Judge of a High Court or has served as, or exercised the powers of a District Judge or Chief Judge of the Small Causes Court, Bombay, for a period of not less than ten years and has retired from service of the Government of India or the Government of any State.

(2) Of the other two members, one shall be a non-official. The other shall be, in the case of an appeal or application for revision, the Commissioner of the Division from which such appeal or application is made, and in the case of a reference for

enquiry relating to a settlement report in respect of any land under section 117-KK of the Bombay Land Revenue Code, 1879, the Commissioner of the Division in which such land is situate :

Provided that when an appeal or application is made against the decision or order of a Commissioner, the person who gave such decision or made such order shall not be a member of the Tribunal in respect of such appeal or application but such other person, who is a Commissioner of a Division, as may be appointed by the President, shall be the member of the Tribunal in respect of such appeal or application :

Provided further that if in any case any member other than the President is for any reason unable to give his opinion in such case or there is a difference of opinion in respect of such case between the President and the other member, such other person who is a Commissioner of a Division (and who in the case of an appeal or an application for revision is not the person against whose decision or order the appeal or application is made) as may be appointed by the President, shall be a member of the Tribunal in respect of such case.

Explanation.—For the purposes of this rule the City of Bombay shall be deemed to be a part of the Northern Division.

5. (1) The President and the non-official member shall hold office ordinarily for a period of three years :

Provided that the President and the non-official member of the Tribunal constituted for the first time under the Act shall hold office for a period of two years, from the date of their appointment.

(2) A person who has held office as a member for a period mentioned in sub-rule (1) shall be eligible for reappointment.

(3) The President or the non-official member may at any time resign his office.

6. Notwithstanding anything contained in rule 5, the State Government may in its discretion terminate at any time the appointment of the President or the non-official member, if, in its opinion, such President or member is unable or unfit to continue to perform the duties of his office.

7. (1) If any vacancy occurs by leave of absence, deputation, death, resignation, expiry of the period of appointment or termination of the appointment of the President or the non-official member or for any other cause whatsoever such vacancy shall be filled by appointment of a person qualified for appointment under rule 4.

(2) Until the vacancy in the office of the President is filled under sub-rule (1) the senior-most member shall act as the President.

8. The Under Secretary to the Government of Bombay in the Revenue Department shall be the *ex-officio* Secretary to the Tribunal.

9. The headquarters of the Tribunal shall be at Bombay.

APPENDIX A.

S. 13 Bombay Revenue Tribunal Regulations 1939.

G. N., R. D., No. 4877/33, dated 11th August 1939 (B. G., Pt. IV-A, p. 1348).

Amended by R. T. Notifn. No. 4877/33, dated 26th March 1940.

Amended by R. T. Notifn. No. 4877/33, dated 29th April 1940.

Amended by R. T. Notifn. No. 4877/33, dated 5th December 1940.

Amended by R. T. Notifn. No. 4877/33, dated 7th October 1942.

In exercise of the powers conferred by section 13 of the Bombay Revenue Tribunal Act, 1939 (Bom. XII of 1939), and with the previous sanction of the Government of Bombay the Bombay Revenue Tribunal is pleased to make the following regulations, namely :—

1. These regulations may be called the Bombay Revenue Tribunal Regulations, 1939.

2. In these regulations, unless the context or subject otherwise requires—

(1) "Commissioner" means a Commissioner as defined in the Bombay General Clauses Act, 1904.

(2) "Secretary" means the Secretary to the Tribunal.

(3) "Joint Secretary" means the Assistant Commissioner of the Division from which the appeal or application for revision in any case is recorded.

(4) "President" means the President of the Tribunal.

(5) "Tribunal" means the Bombay Revenue Tribunal constituted under section 3 of the Bombay Revenue Tribunal Act, 1939.

3. The Tribunal shall have no jurisdiction—

(i) in any matter in which disciplinary action has been taken against a revenue officer,

(ii) in any matter which is sub-judice in a Court of Law.

4. All appeals and applications for revision or review made to the Tribunal shall be addressed in cases received from the City of Bombay to the Secretary and in cases received from other areas to the Joint Secretary. They may be sent to him by post or presented in person or through a pleader. When they are sent by post they shall not be received unless postage due has been paid.

5. Every appeal or application made to the Tribunal shall be accompanied by the decision or order (either in original or a certified copy) against which the appeal or application is made.

6. On receipt of an appeal or application for revision or review the Secretary or the Joint Secretary, as the case may be, shall acknowledge its receipt and shall refer it to the Commissioner, who will be a member of the Tribunal for the appeal or application. Every such acknowledgment shall show the date of receipt of the appeal or application, the name and address of the appellant or applicant and the number under which the appeal or application is registered. In cases where the appeal or application is received by a Joint Secretary, such Joint Secretary shall forward a copy of such acknowledgment to the Secretary for his information.

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7. (1) If such Commissioner is of the opinion that the appeal or application does not lie to the Tribunal or that it should be rejected summarily, he shall endorse on it his opinion and forward it to the President through the non-official member of the Tribunal.

(2) If such Commissioner is of the opinion that the appeal or application lies to the Tribunal and that it should not be rejected summarily, he shall direct that the record and proceedings of the case should be called for. After receipt of the record and proceedings and after recording his opinion thereon he shall forward the appeal or application with the record and proceedings to the President through the non-official member of the Tribunal.

(3) Thereupon the non-official member shall forward the appeal or application with the record and proceedings after recording his opinion thereon to the President.

(4) At the time of forwarding the appeal or application to the President through the non-official member of the Tribunal under sub regulation (1) or (2) the Commissioner shall also send an intimation to the Secretary of the date of despatch of it to the non-official member.

8. The Tribunal shall not entertain any appeal or application for revision unless it is satisfied that the appellant or applicant, as the case may be, has presented all such appeals or applications allowed by the law for the time being in force.

9. Pending a decision on the appeal or application made to the Tribunal, the Commissioner concerned may direct the execution of the decision or order against which the appeal or application is made to be stayed on such conditions as he thinks fit.

10. The business of the Tribunal shall ordinarily be disposed of by circulation, but when the President or the other two members are of the opinion that a joint sitting is necessary, a joint sitting shall be held at such place as the President may determine and the decision shall be reached after personal discussion and if necessary after giving a hearing to the parties concerned.

11. The Tribunal may either annul, reverse, modify or confirm the decision or order under appeal or revision or review or may direct the officer whose decision or order is under appeal or revision or review to make such further investigation or to take such additional evidence as it may think necessary :

Provided that no decision or order shall be annulled, reversed or modified to the prejudice of any party unless opportunity has been given to such party to represent his case before the passing of the final decision or order.

12. Where all the members of the Tribunal agree, their decision shall be in accordance with the opinion of all the members ; but where there is a difference of opinion between them, the decision of the majority shall prevail. If for any reason any of the members, other than the President, is unable to give his opinion and the President and the other member agree in their opinion, the decision shall be in accordance with such opinion. The President shall prepare the order in accordance with the decision so arrived at and the order so prepared shall be signed by all the members of the Tribunal. The Secretary shall thereafter communicate the order to the Collector or other officer concerned and the appellant or the applicant, as the case may be.

13. The Collector or the officer to whom the order is communicated under regulation 12 shall, within a reasonable time, inform the Secretary that the order has been duly carried out.

14. The Tribunal may make direct reference for advice or opinion of the Law Officers of Government in accordance with the Law Officers' Rules in the matter pending before it under these regulations.

14A. (1) The Tribunal may permit any party to appear or act by a pleader in any appeal or application made to it for revision or review.

(2) No pleader except an Advocate (O. S.) shall present an appeal or application or appear or act for any party in any appeal or application made to the Tribunal unless he has been appointed for the purpose by such party by a document* in writing signed by such party or by his recognised agent or by some other person duly authorised by or under a power-of-attorney to make such appointment. Every such appointment shall be produced before the Tribunal.

Explanation.—For the purpose of this Regulations, the expression "recognised agent" shall have the meaning assigned to it in rule 2 of Order 3 of the First Schedule to the Code of Civil Procedure, 1908.

15. When an appeal or application is to be returned as not being drawn up or presented in conformity with these regulations, it shall be endorsed with a memorandum specially pointing out which of these regulations have been infringed or not complied with.

16. When any record and proceedings are called for by the Tribunal and sent to it, the Collector or the officer concerned, as the case may be, shall send with such record and poceedings a diary in chronological order showing the date when such proceedings were commenced and the dates and pages of the principal orders passed and of important papers or maps or plans filed in such proceedings.

R. T. Notifn. No. 4877/33, dated 4th November 1940 (B. G., Pt. IV-B, p. 1137).

S: 13 Bombay Revenue Tribunal Records Inspection, Search and Copies Regulations.

Amended by R. T. Notifn. No. 4877/33, dated 23rd June 1941.

In exercise of the powers conferred by section 13 of the Bombay Revenue Tribunal Act, 1939 (Bom. XII of 1939), and with the previous sanction of the Government of Bombay, the Bombay Revenue Tribunal is pleased to make the following regulations for inspection, search and obtaining copies of documents from the records of the Tribunal, namely :—

1. These Regulations may be called the Bombay Revenue Tribunal Records Inspection, Search and Copies Regulations.

2. In these Regulations unless the context or subject otherwise requires—

(1) "Secretary" means the Secretary to the Tribunal, and

(2) "Tribunal" means the Bombay Revenue Tribunal constituted under section 3 of the Bombay Revenue Tribunal Act, 1939.

3. The records of the Tribunal shall be kept in the custody of the Secretary.

**Note.*—The document referred to in regulation 14A shall be liable to a stamp duty of Rs. 2 under Article 48 (c) in Schedule I to the Indian Stamp Act, 1899.

4. Any person desiring to make inspection of, or obtain copies of any records of the Tribunal or extracts therefrom, shall make an application in writing to the Secretary.

5. The Secretary may in his discretion grant any application made under Regulation 4 :

Provided that no inspection shall be allowed or a copy granted of any opinion recorded by a member of the Tribunal or any advice or opinion obtained by the Tribunal from any Law Officer of Government.

6. When any application under Regulation 4 is received the Secretary shall endorse on it the date on which it is received and the number and date of the order passed on it. If the application is granted, he shall also endorse on it—

(i) the date on which inspection of the records was allowed or copies thereof were given ;

(ii) the amount of the fees received from the applicant ; and

(iii) the name of the person in whose presence the inspection was allowed.

7. No inspection of any records of the Tribunal shall be allowed except in the presence of a clerk in the Revenue Department appointed in that behalf by the Secretary.

8. The fees for the inspection of any document shall be Rs. 5 for every day or part thereof on which such inspection was allowed.

9. The fees for copying and comparing a document a copy of which is granted shall be as follows :—

(*a*) *Copying fees.*—Two annas for every hundred words or fraction thereof, and double this rate if the original is in a tabular form.

(*b*) *Comparing fees.*—Half the copying fees chargeable under clause (*a*), subject to the maximum of Re. 1.

10. When an application is made for inspection or for copy of any records of the Tribunal or extracts therefrom and such application does not distinctly describe the number, date and nature of the document of which inspection or copy is required, or if the description of such document given in the application is incorrect and it consequently becomes necessary to search the records to find it, a fee of Rs. 5 for every day or part thereof on which such search is made shall be payable, whether after examination of the document by the Secretary the application for inspection or copy is granted or not.

*11. The fees prescribed for furnishing a copy of a document shall be calculated in advance and shall also be paid in cash or sent by a money-order in advance :

Provided that if the fees cannot be calculated in advance a sum of not less than Rs. 20 shall be deposited by the applicant before a copy of any document is furnished to him.

**Note.*—Before a Copy of any document is furnished to an applicant under these Regulations, the stamp duty payable under Article 24 in the First Schedule to the Indian Stamp Act, 1899 (II of 1899), shall be paid by him.